

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHNATHAN BARNETT, )  
                          )  
Plaintiff,             )  
                          )  
v.                      )                          Case No. 4:18 CV 841 CDP  
                          )  
ST. LOUIS CITY JUSTICE CENTER, )  
et al.,                )  
                          )  
Defendants.           )

**MEMORANDUM AND ORDER**

Plaintiff Johnathan Barnett moves for the appointment of counsel to assist him in this prisoner civil rights action, and specifically to help him respond to defendant's recent discovery requests. Because Barnett has demonstrated an adequate ability to present his claims to this Court and litigate this action, I will deny the motion. Barnett shall have to August 18, 2020, by which to file a written response to defendant's motion to compel.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). In deciding whether to appoint counsel for an indigent plaintiff, I should consider relevant factors, including the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, and the ability of the indigent to present his claims. *Stevens v. Redwing*, 146 F.3d 538,

546 (8th Cir. 1998).

Barnett has demonstrated that he can adequately present his claims to the Court. Moreover, neither the factual nor legal issues in this case are complex. Barnett claims that defendant Breanna Ems, a housing officer at St. Louis City Justice Center, used excessive force against him when she pepper sprayed him in the face, grabbed him by the neck, and punched him in the back of his head without reason or cause; and, further, was deliberately indifferent to his serious medical needs when she intentionally denied him access to medical care despite knowing of his serious medical needs. Barnett has been able to describe the circumstances giving rise to his claims, identify the persons allegedly involved, and state the date upon which the alleged unlawful conduct occurred. Further, this case is in its preliminary stage. Whether conflicting evidence or testimony exists will become apparent as the case proceeds and upon consideration of summary judgment motions, if any are filed. I will therefore deny Barnett's motion for the appointment of counsel at this time. I will grant him some additional time, however, to respond to defendant Ems' pending motion to compel.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's Motion for Appointment of Counsel [24] is denied without prejudice.

**IT IS FURTHER ORDERED** that plaintiff shall file any written response

to defendant Breanna Ems' Motion to Compel (ECF 25) not later than August 18, 2020.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of July, 2020.